



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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Released: May 8, 2003

**MICHAEL D. HAWTHORNE AND PRIMECO SPECTRUM HOLDINGS, LLC
SEEK FCC CONSENT TO ASSIGN
BROADBAND PERSONAL COMMUNICATIONS SERVICES LICENSES**

WT Dkt. No. 03-117

PLEADING CYCLE ESTABLISHED

Petitions/Comments Due: June 9, 2003
Oppositions Due: June 19, 2003
Replies Due: June 26, 2003

Michael D. Hawthorne ("Hawthorne") and PrimeCo Spectrum Holdings, LLC ("PrimeCo Spectrum"), a wholly-owned subsidiary of United States Cellular Corporation ("USCC"), have filed an application pursuant to Section 310(d) of the Communications Act of 1934, as amended,¹ seeking Commission consent for the assignment of three broadband Personal Communications Services ("PCS") licenses. As a result of this transaction, PrimeCo Spectrum will receive 5, 10, or 20 MHz of broadband PCS spectrum in three discrete portions of the Chicago Major Trading Area ("Chicago MTA").² Post-transaction USCC and PrimeCo Spectrum will have an attributable interest of 60 to 75 MHz in these portions of the Chicago MTA.³

In these applications, USCC seeks consent to acquire licenses for spectrum that it was required to divest to comply with the Commission's former CMRS spectrum aggregation limit ("spectrum cap").⁴ In order to acquire the 20 MHz B block PCS license, call sign WPQL237, in the Chicago MTA (MTA 003), PrimeCo partitioned and disaggregated the license and, pursuant to Commission consent, assigned certain portions of the license to the Hawthorne trust, rather than to USCC.⁵ In light of the repeal of the

¹ 47 U.S.C. § 310(d).

² PrimeCo Spectrum will receive 5 MHz in Fountain County in the Danville, IL BTA (BTA103); 10 MHz in Fulton, McDonough, Schuyler, Peoria, and Tazewell counties in the Peoria, IL BTA (BTA344); and 20 MHz in Knox and Warren counties in the Galesburg, IL BTA (BTA161) from Hawthorne. All counties are in Illinois, except for Fountain County, which is in Indiana. Additionally, the Chicago MTA was transferred to USCC without the Kenosha BTA, which had been partitioned from the license prior to the transfer of control of the license to USCC.

³ USCC and PrimeCo Spectrum will be attributed with 60 MHz in Fountain County; 65 MHz in Fulton, McDonough, Schuyler, Peoria, and Tazewell counties; and 75 MHz in Knox and Warren counties.

⁴ See 47 C.F.R. § 20.6 (repealed); Application for Transfer of Control of PrimeCo Spectrum Holdings LLC to United States Cellular Corporation, filed May 10, 2002, ULS File No. 0000882898.

⁵ See Application of PrimeCo Spectrum Holdings, LLC and Michael D. Hawthorne, Trustee, for Assignment of Authorization, filed May 10, 2002, ULS File No. 0000883683; Application of PrimeCo Spectrum Holdings, LLC

spectrum cap, USCC now seeks to acquire the license from the trust.

I. APPLICATION

The following application for consent of the assignment of licenses granted pursuant to Part 24 of the Commission's rules have been assigned the file numbers below:

<u>File No.</u>	<u>Licensee</u>	<u>Lead Call Sign</u>
0001249212	Michael D. Hawthorne	WPVX731

II. GENERAL INFORMATION

The assignment applications referenced herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules or policies.

Final action on these applications will not be taken earlier than thirty-one days following the date of this Public Notice.⁶ Interested parties may file comments or petitions to deny no later than **June 9, 2003**. Persons and entities that file petitions to deny become parties to the proceeding. They may participate fully in the proceeding, including seeking access to any confidential information that may be filed under a protective order, seeking reconsideration of decisions, and filing appeals of a final decision to the courts. Persons and entities that file comments will have those comments considered but do not become parties to the proceeding and may not be able to participate as fully as petitioners. Oppositions to such pleadings may be filed no later than **June 19, 2003**. Replies to such pleadings may be filed no later than **June 26, 2003**. All filings concerning matters referenced in this Public Notice should refer to **DA 03-1540** and **WT Docket No. 03-117**, as well as the specific file numbers of the individual applications or other matters to which the filings pertain.

All documents filed in the proceeding should indicate in the caption that this matter is before the Wireless Telecommunications Bureau, Commercial Wireless Division, Policy and Rules Branch.

Under the Commission's current procedures for the submission of filings and other documents,⁷ submission in this matter may be filed electronically (*i.e.*, by the Commission's Electronic Comment Filing System (ECFS)) or by hand delivery to the Commission's Massachusetts Avenue location.

and Michael D. Hawthorne, Trustee, for Assignment of Authorization, filed May 10, 2002, ULS File No. 0000883847; Application of PrimeCo Spectrum Holdings LLC and Michael D. Hawthorne, Trustee, for Assignment of Authorization, filed May 10, 2002, ULS File No. 0000883886.

⁶ See 47 U.S.C. § 309(b).

⁷ See In the Matter of Implementation of Interim Electronic Filing Procedures for Certain Commission Filings, Order, FCC 01-345 (rel. Nov. 29, 2001); see also FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, DA 01-2919 (rel. Dec. 14, 2001).

- **If filed by ECFS,**⁸ comments shall be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.
- **If filed by paper,** the original and four copies of each filing must be filed by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistronix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

One copy of each pleading must be delivered electronically, by e-mail or facsimile, or if delivered as paper copy, by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings) to: (1) the Commission's duplicating contractor, Qualex International, at qualexint@aol.com or (202) 863-2898 (facsimile); (2) Lauren Kravetz Patrich, Commercial Wireless Division, Wireless Telecommunications Bureau, at lkravetz@fcc.gov, or (202) 418-7447 (facsimile); (3) Erin McGrath, Commercial Wireless Division, Wireless Telecommunications Bureau, at emcgrath@fcc.gov or (202) 418-7447 (facsimile).

For further information, contact Lauren Kravetz Patrich or Erin McGrath, Commercial Wireless Division, Wireless Telecommunications Bureau, at (202) 418-7240.

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⁸ See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24,121 (1998).